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09/732,926	12/11/2000	Koji Eguchi	49657-870	2307

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EXAMINER	
PEREZ DAPLE, AARON C	

ART UNIT	PAPER NUMBER
2121	4

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/732,926	EGUCHI, KOJI	
	Examiner	Art Unit	
	Aaron C Perez-Daple	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is in response to application filed 12/11/00.

2. **Claims 1-15** are presented for examination.

3. This action is Non-Final.

Claim Objections

4. **Claim 1** is objected to because line 2 recites "said product" where it should recite –a product-.

5. **Claim 11** is objected to because line 1 recites "controlling process of" where it should recite –controlling a process of-. Line 2 recites "said product" where it should recite –a product-.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As for claim 1, the limitation recited in line 3, "attached to said product" is indefinite. It is unclear whether the communication device is physically attached to said product or merely associated with said product. The examiner interprets that the device is "associated with said product." As for lines 8 and 9, the limitation "information requiring control data" is indefinite. The examiner interprets that "information requiring control data" is any data transmitted from the communication device to the computer along with the "identification number."

8. As for claim 2, the limitation "progress chasing information" recited in line 2 is indefinite. The examiner interprets that "progress chasing information" is any data or information related to the progress or status of the product.

9. Claim 3 is indefinite because of the limitation "transmitting said process condition data to a production facility...from said communication device." Because the process condition data, which is claimed as part of the control data, originates from the host computer (e.g. claim 1, lines 11-15, "transmitting, from...communication device"), and the production facility is disclosed as connected to the host computer (e.g. applicant's Fig. 1), it is unclear how and why the communication device would transmit the same data back to the computer for transfer to the production facility. The examiner interprets that the transfer of any data from the communication device to the production facility (via the host computer) would meet this claim.

10. As dependent claims, claims 2-10 suffer from the same deficiencies as claim 1.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Angle et al (US 6,366,771 B1) (hereinafter Angle) in view of Gleis (US 6,615,094 B2, June 17, 1999)

(hereinafter Gleis). Claims 1-15 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Angle et al (US 6,366,771 B1) in view of Gleis (DE 19829366, January 5, 2000). Since both Gleis references disclose the same invention, only US 6,615,094 B2 will be cited explicitly in the following rejections.

As for claim 1, Angle discloses a product control method of controlling processes of producing said product by wireless communication between a communication device a computer controlling said process of producing said product, comprising the steps of:

preparing in said computer a control table storing control data controlling said product corresponding to an identification number for identifying said communication device [col. 10, lines 37-48, "Fig. 13 shows...each possible recipient."];

transmitting said identification number and information requiring control data from said communication device to said computer by wireless communication [col. 10, lines 49-55, "The network addresses...network address."];

transmitting from said computer, control data stored in said control table corresponding to said received identification number in response to reception of said identification number and said information requiring control data from said communication device [col. 2, lines 12-37, "A wireless network...other network device."; col. 5, lines 57-64, "The a host computer...RF device 65."];

outputting control data relating to said product in a form recognizable to a person based on said received control data [col. 5, lines 57-64, "The a host computer...RF device 65."].

Angle does not specifically teach attaching the communication device to a product. However, Gleis teaches attaching the communication device to a product [col. 2, lines 23-33,

"Instead of using...data collecting device."]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Angle by attaching the communication device to the product in order to track data, such as product defects, associated with the product, as taught by Gleis [col. 2, lines 23-33, "Instead of using...data collecting device."].

13. As for claim 2, Angle teaches the product control method according to claim 1, wherein said control data include progress chasing information on said product in said processes and process condition data in said processes [col. 5, lines 57-64, "The a host computer...RF device 65."], and

said step of outputting said control data includes the step of outputting process condition data in a following process of said product in the form recognizable to the person [col. 5, lines 57-64, "The a host computer...RF device 65."; col. 8, lines 49-58, "A video controller...to the operator."].

14. As for claim 3, Angle teaches the product control method according to claim 2, wherein said product control method further includes the step of transmitting said process condition data to a production facility for producing said product by wireless communication from said communication device [col. 2, lines 12-37, "A wireless network...other network device."; col. 5, lines 57-64, "The a host computer...RF device 65."].

15. As for claim 4, Angle teaches the product control method according to claim 1, wherein said control data includes operation results at said producing process [col. 5, lines 57-64, "The a host computer...RF device 65."], and

said step of outputting said control data includes the step of outputting in said communication device said operation results in the form recognizable to the person [col. 5, lines 57-64, "The a host computer...RF device 65."].

16. As for claim 5, Angle teaches the product control method according to claim 1, further comprising the step of transmitting operation results at said process from said communication device to said computer [col. 5, lines 57-64, "The a host computer...RF device 65."].

17. As for claim 6, Angle teaches the product control method according to claim 5, further comprising the step of receiving said operation results from said production facility by wireless communication in said communication device [col. 1, lines 34-46, "In a wireless network...Ring or Ethernet."; col. 2, lines 11-18, "A wireless network...and voice communication."].

18. As for claim 7, Angle teaches the product control method according to claim 5, wherein said communication device attached to said product is a communication device having a bar code reading device, bar code indicated a plurality of operation results is prepared in said process, and said product control method further includes the step of reading said bar code selected by the operator [col. 7, lines 20-32, "A barcode reader...wireless network 10 (Fig. 1)."].

19. As for claim 8, Angle teaches the product control method according to claim 5, further comprising the step of taking an image of said product after said operation in said process, wherein said result data is image data, in said image taking step, representing a product after the operation [barcode reading inherently includes taking an image and converting it to image data; col. 7, lines 20-32, "A barcode reader...wireless network 10 (Fig. 1)."].

20. As for claim 9, Angle teaches the product control method according to claim 9, wherein said communication device attached to said product is a portable telephone device [the examiner interprets "a portable telephone device" to be any portable device capable of sending and receiving voice data; col. 16, lines 26-33, "Accordingly, the present...cellular telephone services."] having an image pickup device, and said step of taking an image of said product after said operation includes the step of taking an image of said product after said operation in said process using said image pickup device of said portable telephone device [barcode reading inherently includes taking an image and converting it to image data; col. 7, lines 20-32, "A barcode reader...wireless network 10 (Fig. 1)."].

21. As for claim 10, Angle teaches the product control method according to claim 1, wherein said communication device attached to said product is a portable telephone device [the examiner interprets "a portable telephone device" to be any portable device capable of sending and receiving voice data; col. 16, lines 26-33, "Accordingly, the present...cellular telephone services."].

22. As for claim 11, Angle teaches a product control method of controlling process of producing said product by a communication device and a computer controlling said process of producing said product by wireless communication, comprising the steps of:

preparing in said computer registration data corresponding to an identification number for identifying said communication device [col. 10, lines 37-48, "Fig. 13 shows...each possible recipient."];

selecting said identification number stored in said registration data [col. 10, lines 49-55, "The network addresses...its network address."];

transmitting calling data from said computer to said communication device designated by said identification number [col. 2, lines 12-37, "A wireless network...other network device."; col. 5, lines 57-64, "The a host computer...RF device 65."]; and

performing a prescribed operation in said communication device identified by said calling data based on said calling data in response to reception of said calling from said computer [col. 8, lines 49-58, "A video controller...to the operator."].

Angle does not specifically disclose attaching the communication device to the product nor associating the product with the identification number of the communication device. Gleis teaches attaching the communication device to the product and associating the product with the identification number of the communication device [col. 2, lines 23-37, "Instead of using...a radio transmission."; col. 3, lines 61-65, "According to another...or separately therefrom."]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Angle by attaching the communication device to the product and associating the product with the identification number of the communication device in order to track data, such as product defects, associated with the product, as taught by Gleis [col. 2, lines 23-33, "Instead of using...data collecting device."].

23. As for claims 12 and 13, Angle teaches a product control method similar to claim 11, wherein said registration data is data of said products divided into a plurality of groups,

said step of selecting said product includes the step of selecting one of said plurality of groups [col. 5, lines 57-64, "The a host computer...RF device 65."], and

said step of transmitting calling data includes the step of transmitting first calling data from said computer to said communication device identified by said identification number

[col. 5, lines 57-64, "The a host computer...RF device 65."; col. 10, lines 37-55, "Fig. 13 shows...its network address."].

Angle does not specifically disclose attaching the communication device to the product nor associating the product with the identification number of the communication device. Gleis teaches attaching the communication device to the product and associating the product with the identification number of the communication device [col. 2, lines 23-37, "Instead of using...a radio transmission."; col. 3, lines 61-65, "According to another...or separately therefrom."]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Angle by attaching the communication device to the product and associating the product with the identification number of the communication device in order to track data, such as product defects, associated with the product, as taught by Gleis [col. 2, lines 23-33, "Instead of using...data collecting device."].

24. As for claim 14, Angle teaches the product control method according to claim 12, wherein said step of selecting said product further includes the step of selecting another group, other than said one group, among said plurality of groups,

said step of transmitting said calling data further includes the step of transmitting second calling data from said computer to said communication device identified by said identification number [col. 5, lines 57-64, "The a host computer...RF device 65."; col. 10, lines 37-55, "Fig. 13 shows...its network address."], and

said step of performing said prescribed operation includes the step of selectively performing first and second operations based on a fact that said calling data is said first or second calling data in response to reception of said calling data from said computer [col. 5,

lines 57-64, "The a host computer...RF device 65."; col. 10, lines 37-55, "Fig. 13 shows...its network address."].

Angle does not specifically disclose attaching the communication device to the product nor associating the product with the identification number of the communication device. Gleis teaches attaching the communication device to the product and associating the product with the identification number of the communication device [col. 2, lines 23-37, "Instead of using...a radio transmission."; col. 3, lines 61-65, "According to another...or separately therefrom."]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Angle by attaching the communication device to the product and associating the product with the identification number of the communication device in order to track data, such as product defects, associated with the product, as taught by Gleis [col. 2, lines 23-33, "Instead of using...data collecting device."].

25. As for claim 15, Angle teaches the product control method according to claim 11, wherein said communication device attached to said product is a portable telephone device, and said prescribed operation outputs ringing tones of said portable telephone device from a speaker [the examiner interprets "a portable telephone device" to be any portable device capable of sending and receiving voice data; col. 16, lines 26-33, "Accordingly, the present...cellular telephone services."; col. 9, lines 31-35, "Furthermore, when a terminal...the desire to establish a conversation."].

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,924,040, teaches use of wireless phones as portable data terminals in a production facility; US 6,405,049, note portable data terminal; US 6,615,091, note manufacturing control system; US 5,903,548, note portable data terminal; US 6,549,625 B1, note Fig. 1; US 5,341,304, note production administration system; US 6,421,571 B1, note Fig. 1; US 6,473,656 B1, note process automation system; US 5,796,351, note Fig. 1; US 5,974,312, note Fig. 1; US 6,604,033 B1, note wireless diagnostic system using cell phones.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703)305-4897. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on (703)305-0282. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

11/12/03

Aaron Perez-Daple

ANIL KHATRI
SUPERVISORY PATENT EXAMINER